

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ELIJAH THOMPSON	:	CIVIL ACTION
	:	
v.	:	
	:	
BRAD SWIFT, ET AL.	:	NO. 22-4052

ORDER

AND NOW, this 1st day of February, 2023, upon consideration of Defendants’ Motion “to Dismiss Plaintiff’s Amended Complaint Pursuant to F.R.C.P. 12(b)(6) or, in the Alternative, Pursuant to F.R.C.P. 56(c)” (Docket No. 25), all documents filed in connection therewith, Plaintiff’s “Motion Requesting Leave for Limited John Doe Discovery” (Docket No. 15), and Plaintiff’s Motion to Appoint Counsel (Docket No. 16), and for the reasons stated in the accompanying Memorandum, **IT IS HEREBY ORDERED** as follows:

1. Defendants’ Motion is **GRANTED IN PART** in that (1) we dismiss Plaintiff’s claims grounded on the Eighth Amendment as well as Plaintiff’s claims against Defendants in their official capacity, and (2) we grant summary judgment in favor of Defendants Swift and Bolden and therefore, dismiss Swift and Bolden as Defendants in this action.
2. In all other respects, Defendants’ Motion is **DENIED**.
3. Plaintiff’s Motion Requesting Leave for Limited John Doe Discovery is **GRANTED** in that, no later than February 24, 2023, Defendants shall provide Plaintiff with a complete list of officers who responded to the disturbance involving Plaintiff on November 27, 2020, as well as a complete list of officers who escorted Plaintiff to the medical unit that same day. These lists shall identify the officers by first name, last name, and rank.
4. Plaintiff’s Motion to Appoint Counsel is **GRANTED** to the extent that the Clerk of

Court shall make this case available for review and selection by volunteer attorneys on the Prisoner Civil Rights Panel. If no panel attorney volunteers to take the case on or before May 1, 2023, we will inquire whether Plaintiff still wishes to proceed with the case on a pro se basis and, if he does, we will enter a scheduling order pursuant to Federal Rule of Civil Procedure 16.

BY THE COURT:

/s/ John R. Padova, J.

John R. Padova, J.